

## **Forest Conservation Advisory Committee**

### **Minutes**

**June 21, 2011**

Prepared by: Dan Landry

## **ATTENDEES**

### Members

Paul Allen (WSSC), ex officio  
Andrew Der  
Ken Ferebee  
Kim Knox  
Dan Landry  
Brett Linkletter (DPWT), ex officio  
Caren Madsen  
Norman Mease  
Katherine Nelson, (M-NCPPC), ex officio  
Michael Norton  
David Plummer (MSCD), ex officio  
David Post  
Jeff Schwartz  
Linda Silversmith  
Kevin Smith  
Dan Snyder

Bryan Straathof  
Clark Wagner

### Absent members

Ginny Barnes  
Mark Buscaino  
Sarah Navid, (DPS) ex officio  
Brett Linkletter (DPWT), ex officio  
Laura Miller (DEP), ex officio

### Others attending

Stan Edwards, DEP  
Dale Tibbitts, Council Staff  
Susan Buffone, Council Staff  
Dana Small, PHI  
Charles Washington, PHI  
Arlene Bruhn  
Ralph Stevens  
Susan Eig

## **MINUTES**

### **I. Meeting Starts**

The meeting was called to order at 7:10 pm.

The minutes from the May 2011 meeting were approved. The motion to approve was made by Kim Knox, and was seconded by Katherine Nelson.

### **II. Procedural Matters**

Montgomery County Letter on procedures: Discussion on the draft letter to request that the County consider updating certain meeting policies centered on who to send the letter to and some content. The committee agreed to send the letter to the County Executive and to copy Bob Hoyt and Connie Latham. The committee also agreed to strike the word "Pepco" from the last sentence in the 5<sup>th</sup> paragraph.

### **III. Pepco**

The two PHI guests, Charles Washington and Dana Small, were introduced and made some brief remarks. Charles Washington discussed Pepco's reliability enhancement plan (REP) and explained in detail that vegetation management is the most visible component, but that the other parts of the plan are in progress and a lot of resources are dedicated to implementing the REP. Charles further explained that Pepco has authority from the Maryland Public Service Commission (PSC) to implement our Enhanced Integrated Vegetation Management Program (EIVM) which makes our program more consistent with other Utilities in MD. We are trying to balance aesthetics and environmental issues with reliability.

Dana Small discussed PHI's desire to balance the delivery of electricity with the competing interest of environmental stewardship. PHI is actively looking at how to minimize the impacts of our vegetation management activities and supply our customers with reliable power. She also explained that PHI is heavily involved with the statewide rule making process that is underway with the PSC.

Two committee members commented that the December 2010 Washington post article pointed to equipment as the issue, not vegetation. One member further expressed that Pepco is blaming tree canopy as a major culprit in Pepco's reliability.

Pepco commented that the data used in the article did not consider the root cause of each outage. The example cited was that while a fuse might operate resulting in a power outage, the fuse did not malfunction. Rather, a tree limb fell onto the lines and caused the fuse to operate. Therefore, the root cause was not the blown fuse, but actually the tree limb. Pepco further commented that the PSC investigator has remarked that Pepco has actually understated the tree issue in its service territory.

The budget for all six points in the REP is available on Pepco's website, [www.pepco.com](http://www.pepco.com).

Pepco has replaced 518,000 feet of underground cable since September or 2010, for example.

A member questioned how undergrounding might improve reliability and if Pepco has considered mitigation planting for trees removed on other public property.

Pepco responded that there are still issues with underground cable and trees. Tree roots grow into and around underground cables, causing outages. Also when underground cables fail underneath a tree, often the entire tree must be removed to repair the cable. This frequently happens when the trees are 30 – 50 years old, are just reaching maturity and are still relatively healthy.

A Council Staff Member discussed the PSC RM43 generalities and that there is a working group meeting every two weeks. She also noted that Montgomery County Gov't is an active participant in the meetings. The member also explained that Pepco is seeking assistance from the County Council on resolving private property issues. Specifically, Pepco is seeking a revision/addition to the public nuisance law that would allow Pepco to submit trees on private property for County inspection that present a safety hazard to the power lines and by extension the public. The County could then determine if it agreed and if so, grant Pepco permission to remove or prune the tree as necessary if the customer did not complete the work on their own within 30 days. A meeting to discuss this has been tentatively set for July 18 in the Council Chambers. The meeting is intended to identify the roles of all relevant parties across all public agencies and Pepco.

Pepco publicly thanked Councilmember Berliner for his leadership and for pushing for legislation for related standards. Pepco agreed to hold the meeting on July 18, or on a date that is mutually agreeable to all parties. Specifically, Pepco is asking Councilmember Berliner to support an independent verification of the tree to decide if the County agrees with Pepco. This would then give the customer a choice to have their own tree contractor perform the work, or to allow Pepco to complete the work under public nuisance law.

Guests from Chevy Chase Village attended the meeting and expressed concerns regarding working with Pepco on tree removals. Pepco contract foresters met with each property owner in Chevy Chase Village to secure permission for the removal. All removals in Chevy Chase Village were also reviewed and inspected by the Villages' Arborist.

Underground and Overhead issues were discussed and there are positive and negative aspects to both types of infrastructure.

#### IV. New Business

The issue of legislative concerns was discussed and the idea of designating a committee member to be responsible for reporting on current legislative issues was proposed. No agreement was reached on this specific question of whether to designate a specific member to monitor legislation.

Caren discussed a meeting upcoming on 6-22-11 on an urban tree bill. The meeting includes members from environmental groups and the building industry.

Todd Bolton will be speaking in September

The committee asked that Marian Honecny from the MD Forest Service be asked to speak at the July meeting on the topics of Forest Conservation Law and the Sustainable Forests Task Force.

Katherine Nelson will be speaking to the Council of Governments on 6-24-11 related to the Vermont study.

Conservation Montgomery has instituted the "Rose" award, named after Michael Rose for protecting trees during development. The award recognizes developers in Montgomery County for saving or replanting trees aggressively when trees cannot be saved. They are seeking submissions for the fall of 2011.

#### V. Meeting Closure

Jeff Schwartz motioned that the meeting be adjourned and Caren Madsen seconded. The motion was approved at 9:02 pm